

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CR. NO. <u>2:05-cr-205-LSC</u>
)	
JOSEPH D. ARMSTRONG)	

**GOVERNMENT'S MOTION FOR DOWNWARD DEPARTURE
PURSUANT TO § 5K1.1, UNITED STATES SENTENCING GUIDELINES**

COMES NOW the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and files the above-captioned motion, and as reasons therefore, submits the following:

1. Defendant entered a plea of guilty pursuant to a plea agreement under Rule 11(c)(1)(C) to an indictment charging a violation of Title 21, United States Code, Section 846.
2. Defendant agreed to cooperate with the Government in the instant cause and in subsequent investigations as necessary, and to waive the rights to appeal or collaterally attack the guilty plea or sentence.
3. The United States submits the defendant has cooperated with the United States and has abided by the terms of the plea agreement. The assistance provided by the defendant should be considered substantial.
4. The Government is satisfied that the defendant is entitled to be considered for a reduction of sentence under § 5K1.1 U.S.S.G., and moves this Court to downwardly depart three levels.

Respectfully submitted this the 28th day of June, 2006.

LEURA G. CANARY
UNITED STATES ATTORNEY

/s/Terry F. Moorner
TERRY F. MOORER
Assistant United States Attorney
One Court Square, Suite 201
Montgomery, AL 36104
Phone: (334) 223-7280
Fax: (334) 223-7135
E-mail: terry.moorer@usdoj.gov
ASB-1176-O73T

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CERTIFICATE OF SERVICE

I hereby certify that on June 28, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: John Poti, Esquire.

Respectfully submitted,

/s/Terry F. Moorer
TERRY F. MOORER
Assistant United States Attorney
One Court Square, Suite 201
Montgomery, AL 36104
Phone: (334) 223-7280
Fax: (334) 223-7135
E-mail: terry.moorer@usdoj.gov
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